

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT CHATTANOOGA

UNITED STATES OF AMERICA)
)
) Case No. 1:14-cr-18
v.)
)
JOSEPH ROBINSON)
)

MEMORANDUM AND ORDER

JOSEPH ROBINSON (“Defendant”) came before the Court for an initial appearance on December 19, 2016, in accordance with Rule 32.1 of the Federal Rules of Criminal Procedure on the Petition for Warrant for Offender Under Supervision (“Petition”).

After being sworn in due form of law, Defendant was informed of his privilege against self-incrimination under the 5th Amendment and his right to counsel under the 6th Amendment to the United States Constitution.

The Court determined Defendant wished to be represented by an attorney and that he qualified for the appointment of an attorney to represent him at government expense. Consequently, the Court APPOINTED Giles Jones to represent Defendant.

Defendant was furnished with a copy of the Petition, and had an opportunity to review that document with his attorney. The Court determined that Defendant was able to read and understand the Petition with the assistance of his counsel. In addition, AUSA Michael Porter explained to Defendant the specific charges contained in the Petition. Defendant acknowledged that he understood the charges in the Petition.

The Government moved Defendant be detained pending a determination by Judge Mattice as to whether his term of supervised release should be revoked. The Court explained Defendant’s right to a preliminary hearing and detention hearing and what those hearings entail. Defendant conferred with his counsel and requested that the preliminary hearing be waived; however, Defendant requested that the Court conduct a detention hearing.

The Court proceeded with a detention hearing on December 19, 2016. The government called as a witness United States Probation Officer Shaquana Kennedy. Ms. Kennedy was sworn in and testified to the facts contained in the Petition, including a recitation of the various violations of conditions of supervision committed by Defendant (i.e., commissions of crimes, use of controlled substances, failure to truthfully answer Ms. Kennedy’s inquiries, and possession of controlled substances not prescribed by a physician). Defendant’s counsel, Giles Jones, cross-examined Ms. Kennedy. No further witnesses were presented. Counsel for both sides

were given an opportunity to argue for and against detention.

The Court finds that Defendant has committed multiple violations of his conditions of supervised release, and that Defendant has not carried the burden of establishing by clear and convincing evidence that he will not flee or pose a danger to any other person or to the community. Consequently, the Court GRANTED the Government's oral motion to detain Defendant pending his revocation hearing but advised Defendant that he must self-report to the United States Marshal on Tuesday, December 27, 2016 at 2:00 p.m., eastern time.

It is, therefore, ORDERED that:

1. Counsel for Defendant and the Government shall confer and make best efforts to submit to U.S. District Judge Mattice a proposed Agreed Order with respect to an appropriate disposition of the Petition for Warrant for Offender Under Supervision.
2. In the event counsel are unable to reach agreement with respect to an appropriate disposition of the Petition for Warrant for Offender Under Supervision, they shall request a hearing before U.S. District Judge Mattice.
3. The government's motion that Defendant be DETAINED WITHOUT BAIL pending further Order of this Court is **GRANTED**.
4. Defendant shall self-report to the United States Marshal at the federal courthouse, 900 Georgia Avenue, Chattanooga, Tennessee 37402 at 2:00 p.m., eastern time, on Tuesday, December 27, 2016, there to be taken into custody.

ENTER.

s/Christopher H. Steger
United States Magistrate Judge